

United States Senate

WASHINGTON, DC 20510

February 8, 2023

The Honorable Marty Walsh
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

The Honorable Julie Su
Deputy Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Dear Secretary Walsh and Deputy Secretary Su,

We are gravely concerned about the dangers that children face while working in tobacco fields in our country, and urge you to initiate a new rulemaking process to update the list of hazardous agricultural occupations prohibited for hired child workers under the age of sixteen to include tobacco.

We know from decades of research that child farmworkers face serious occupational safety and health risks, and experience high injury rates. On tobacco farms, children are exposed to toxic tobacco plants containing nicotine. Research has shown that children working in tobacco farming experience common symptoms of nicotine poisoning while handling tobacco, including nausea, vomiting, headaches, and dizziness. Nicotine is a neurotoxin, and the U.S. Surgeon General has warned that nicotine exposure is especially dangerous during adolescence due to its impact on brain development.

The tobacco industry has recognized the risks to children of nicotine exposure—several industry leaders have adopted policies to prohibit or oppose hired work by younger children on farms, but these commitments lack the enforcement mechanisms of regulations. In addition, research has shown that the implementation of company policies is inconsistent, and found that some children under the age of sixteen have continued to work on tobacco farms even after these commitments were made.

The National Institute for Occupational Safety and Health recommended in 2002 that the Department of Labor update the list of hazardous agricultural occupations prohibited for children under sixteen. It is clear that additional measures are needed to protect the lives and health of children.

We urge the Department of Labor to defend the rights and dignity of children working in tobacco fields by updating regulations to better protect workplace safety on farms. This is not just an imperative matter of protecting children from exploitative work, but also of defending racial justice and equity—the agricultural exemptions in U.S. labor law have continued to disproportionately harm children of color, as the United Nations Committee on the Elimination of Racial Discrimination recently noted.

We believe a new rulemaking effort that bans child labor on tobacco farms and enhances protections in existing Hazardous Occupations Orders is critical. We therefore request that the

Department of Labor move forward to protect children working on tobacco farms from injury and illness.

Sincerely,



Richard J. Durbin
United States Senator



Sherrod Brown
United States Senator



Jack Reed
United States Senator



Dianne Feinstein
United States Senator



Richard Blumenthal
United States Senator